

REMARKS

Summary of the Final Office Action

In the Final Office Action dated October 23, 2002, claims 2-4 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,046,059 to Yoshida et al. (hereinafter "Yoshida"). Claims 2-4 have been indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph and to include the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicants have amended claims 1 and 2 to improve the form of the claims. Accordingly, claims 1 - 4 remain pending in this application.

Change of Correspondence and Associated Papers

Applicants note that a Change of Correspondence Address, Change of Attorney Docket Number, and Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney were filed in this application along with an IDS on July 3, 2003. The Examiner has considered the IDS filed on July 3, 2003 as indicated by the initialed PTO-Form 1449 included with the Office Action dated October 23, 2002. However, the Change of Correspondence Address, Change of Attorney Docket Number, and Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney appear to not have yet been processed by the U.S.P.T.O. because the Office Action dated October 23, 2002 was incorrectly forwarded to the previous correspondence address and the new attorney docket number has not been indicated on the Office Action. Applicants request confirmation that these matters have been attended to with the next

Office Communication. The U.S.P.T.O. is invited to contact the undersigned in the event that any questions remain on these issues.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 2-4 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have amended claim 2 in accordance with the Examiner's comments. Applicants respectfully submit that claims 1-4 now fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

The Rejections under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,046,059 to Yoshida. To the extent that this rejection might be re-applied to claim 1 as newly-amended, it is respectfully traversed for at least the following reasons.

Claim 1 has been newly-amended to recite a disk player for holding a plurality of disks at a disk standby area in a casing, so that a disk selected from said plurality of disks may be transferred to a disk playing area in the casing and may be reproduced, the disk player combination includes a plurality of disk trays, which are stacked in a predetermined direction, respectively keeping one of the plurality of disks thereon; a disk playing assembly for clamping and playing one of the plurality of disks having been moved to the disk playing area to reproduce information recorded on the disk; and a supporting mechanism for supporting the disk playing assembly thereon, wherein during a movement in which one of the disk trays is being moved from the disk standby area to the disk playing area the one of disk trays comes into engagement with the supporting mechanism so that the disk playing assembly is caused to move in the predetermined direction thereto, and clamp and play the one of plurality of disks.

As is evident from the recitations of claim 1, as newly-amended, the disk player arrangement of the instant invention is configured so that one of disk trays (55c, for example) comes into engagement with the supporting mechanism (100, 103a, etc., for example) so that the disk playing assembly (120, 121a, 121b, 130, for example) is caused to move in the predetermined direction (Y-axis direction, for example) thereto, and clamp and play a disk on the disk tray (55c, for example).

On the other hand, Applicants respectfully submit that it is clear that Yoshida does not disclose that a disk tray (111, 112) comes into engagement with a supporting mechanism for supporting a disk playing assembly (168, 170, etc.) as recited in newly-amended claim 1. Moreover, Yoshida does not teach or suggest that its support shaft (109a-b) engages with the disk tray (111, 112) so as to move the disk playing assembly (168, 170, etc.) in the manner recited in newly-amended independent claim 1.

Accordingly, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because Yoshida does not teach or suggest each feature of independent claim 1, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that dependent claims 2-4 are allowable at least because of the dependence from independent claim 1, as amended, and the reasons set forth above. Moreover, the Examiner is thanked for the indication that claims 2-4 include allowable subject matter.

Attached hereto is a marked-up version of the changes made by the current Amendment.
The attachment is captioned "**Version with marking to show changes made.**"

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3)

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 1 and 2 have been amended as follows:

1. (Twice Amended) A disk player for holding a plurality of disks at a disk standby area in a casing, so that a disk selected from said plurality of disks may be transferred to a disk playing area in said casing and may be reproduced, comprising:

a plurality of disk trays, **which are** stacked in a predetermined direction, [~~for receiving~~]
respectively keeping one of said plurality of disks [~~individually~~] thereon;

a disk playing assembly for **clamping and** playing one of said plurality of disks **having been moved to** [at] said disk playing area to reproduce information recorded on said disk; and

a supporting mechanism for supporting said disk playing assembly thereon,

wherein during a movement in which one of said disk trays is being moved from said disk standby area to said disk playing area [~~and~~] said one of disk trays comes into engagement with said supporting mechanism so that said disk playing assembly is **caused to move in said predetermined direction thereto, and clamp and play said one of plurality of disks** [~~moved in said predetermined direction~~].

2. (Twice Amended) A disk player according to claim 1, wherein said supporting mechanism is rotatably supported about a rocking fulcrum, said **disk playing assembly** [~~playing mechanism~~] is supported apart from said rocking fulcrum on said supporting mechanism, and said **disk** playing assembly is moved in said predetermined direction by rotating said supporting mechanism about said rocking fulcrum.